

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH MICHAEL VILLARREAL,

Defendant.

CR 17-15-M-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on November 1, 2017. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Joseph Michael Villarreal’s guilty plea after Villarreal appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of wire fraud in

violation of 18 U.S.C. § 1343 (Count VII), as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts I through VI and VIII through X of the Indictment, as well as the forfeiture allegation.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 34), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Joseph Michael Villarreal's motion to change plea (Doc. 26) is GRANTED and Joseph Michael Villarreal is adjudged guilty as charged in Count VII of the Indictment.

DATED this 16th day of November, 2017.

A handwritten signature in blue ink, appearing to read "Dana L. Christensen".

Dana L. Christensen, Chief District Judge
United States District Court